

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 OES-07 L-03 CG-00 DOTE-00 DLOS-09
EB-08 INR-10 INRE-00 SSO-00 SS-15 PA-01 JUSE-00
COME-00 DODE-00 /066 R

DRAFTED BY EUR/WE:JCUNNINGHAM:JC
APPROVED BY EUR:EMROWELL
OES/OFA:DYELLON
OES/OFA;GNELSON
L/OES:MHOINOS
COAST GUARD POLAD:WKCROMWELL
COAST GUARD:ADM. VENZKE

-----003341 212245Z /14

O R 212206Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY MADRID IMMEDIATE
INFO AMEMBASSY COPENHAGEN

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COPENHAGEN FOR REGFISHATT

E.O. 11652: N/A

TAGS: EFIS, US, SP

SUBJECT: SEIZURE OF SPANISH F/V COSTA DE NORUEGA FOR
FISHERIES VIOLATION

REF: A) MADRID 4326, B) MADRID 4217 C)
MADRID 4121 AND PREVIOUS, D) CUNNINGHAM/DOROUGH TELECON

1. STATUS OF CASE: U.S. ATTORNEY HAS INFORMED ATTORNEYS
FOR OWNERS OF THE COSTA DE NORUEGA THAT U.S. IS WILLING TO
SETTLE OUT OF COURT FOR APPROXIMATELY \$100,000. U.S.
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ATTORNEY IS WAITING FOR THE COSTA DE NORUEGA'S ATTORNEYS
TO RESPOND.

2. THIS IS RELATIVELY MODERATE IN VIEW OF PENALTIES
IMPOSED ON THE THREE OTHER LARGE VESSELS (JAPANESE,
TAIWANESE, AND RUSSIAN) SEIZED IN THE PAST YEAR, WHICH
RANGED FROM \$200,000 TO \$335,000 (REF D). FYI: EARLIER

VIEW WAS TO REQUEST SETTLEMENT OF AS MUCH AS \$200,000, BUT FURTHER CONSIDERATION OF THE COSTA DE NORUEGA'S CASE LED TO REVISION DOWNWARD. END FYI.

3. EMBASSY MAY DRAW ON FOLLOWING GUIDANCE IN ANSWERING COMPLAINTS ABOUT COAST GUARD HANDLING OF THE SEIZURE (REFS. A AND B):

-- THE COAST GUARD TOOK CONTROL OF THE VESSEL AS AN INHERENT PART OF THE SEIZURE. CONTROL WAS EXERCISED THROUGH THE MASTER BY THE OFFICER IN CHARGE OF THE CUSTODY CREW WHO SPEAKS EXCELLENT SPANISH. THE MASTER OF THE VESSEL WAS COOPERATIVE AND FRIENDLY.

-- THE COAST GUARD LOWERED THE SPANISH FLAG AND RAISED THE U.S. COLORS ONLY RPT ONLY IN ORDER TO INDICATE UNDER WHOSE CONTROL THE VESSEL WAS AT THE TIME. THIS WAS NOT INTENDED TO BE DISRESPECTFUL TO VESSEL, CREW, OR COUNTRY. WE REGRET IT IF ANY IMPRESSION OF DISRESPECT OR OF LACK OF COURTESY WAS CONVEYED. FYI: LOWERING OF THE FLAG IS INCORRECT PROCEDURE, AND COAST GUARD HAS TAKEN STEPS TO PREVENT REPETITION. END FYI.

-- THE VESSEL'S EQUIPMENT WAS USED FOR NAVIGATIONAL PURPOSES AND TO TEST FOR ACCURACY.

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-- ON THE COMPLAINT OF REFUSING HOSPITALITY, COAST GUARD STANDING INSTRUCTIONS PROHIBIT THE ACCEPTANCE OF GRATUITIES, INCLUDING FOOD AND DRINK, FROM A BOARDED VESSEL DURING A LAW ENFORCEMENT OPERATION.

-- THE COAST GUARD TOOK CUSTODY OF THE SHIP'S DOCUMENTS, AND ENTRIES WERE MADE IN THE COSTA DE NORUEGA'S LOG OF THE ACTIONS TAKEN. AN INVENTORY WAS MADE OF ALL PHYSICAL EVIDENCE AS WELL, THEN THE EVIDENCE WAS TURNED OVER TO THE US ATTORNEY. FYI: IF THE SPANISH RAISE THE COMPLAINT THAT NO RECEIPT WAS GIVEN FOR THE RECORDS REMOVED, WHICH IS NOT RAISED IN REF (A) OR (B) BUT WHICH WAS RAISED INFORMALLY HERE, EMBASSY MAY REPLY THAT WE REGRET THAT A RECEIPT WAS NOT DELIVERED. THIS OMISSION WAS DUE TO A MISUNDERSTANDING OF USCG STANDING INSTRUCTIONS, WHICH ARE BEING MADE MORE EXPLICIT. END FYI.

-- THERE IS NO REQUIREMENT THAT THERE BE LEGAL CONSULTATION BEFORE DOCUMENTS ARE TAKEN INTO CUSTODY.

4. WE ARE UNABLE TO RESPOND, IN THE ABSENCE OF SPECIFICS, TO COMPLAINTS THAT THE MASTER WAS THREATENED OR TO

ADDRESS THE ATTITUDE OF THE MEDIA, OVER WHICH WE HAVE
NO CONTROL.

5. EMBASSY SHOULD CONTINUE TO ADVISE THE SPANISH TO
EXPRESS ANY CONCERNS ABOUT THE AMOUNT OF THE SETTLEMENT
AND THE CHARGES AGAINST THE COSTA DE NORUEGA THROUGH THE
APPROPRIATE LEGAL CHANNELS. EMBASSY SHOULD ALSO ASSURE
SPANISH REPS THAT WE APPRECIATE THE FRIENDLY COOPERATION
WHICH EXISTS IN OUR FISHERIES RELATIONS AND IN OUR JOINT

EFFORTS TO FIND SOLUTIONS TO OUR FISHERIES PROBLEMS. CHRISTOPHER

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